



About NDALC:

Nevada Disability Advocacy & Law Center (NDALC) is a private, statewide, non-profit organization that serves as Nevada's federally-mandated Protection & Advocacy (P&A) agency for individuals with disabilities.

ACCESS AUTHORITY

What is NDALC's access authority?

Under federal law, **Protection & Advocacy (P&A) agencies have special authority to access facilities serving individuals with disabilities**, including hospitals, prisons, jails, residential facilities, schools, group homes, supported living arrangements, nursing homes, and other locations.

The purpose of this access authority is to allow the P&A to perform routine monitoring, investigate allegations of abuse or neglect, and provide rights training and information to individuals with disabilities.

The federal laws explaining P&A access authority are 42 U.S.C. § 10801, 42 U.S.C. § 15043, 29 U.S.C. § 794, and 42 U.S.C. § 300d-53. Regulations are available at 45 C.F.R. 1326.27 and 42 C.F.R. 51.42. Nevada state law is at NRS 433A.360.

What activities does NDALC's access authority allow?

The P&A access authority allows NDALC to:

- Access the facility unaccompanied by staff during normal work and visiting hours
- Inspect, view, and photograph all areas of the facility used by individuals with disabilities
- Provide information and training to individuals with disabilities who are being served by the facility

When investigating allegations of abuse and neglect, the P&A may also:

- Access the facility at any time, immediately and without advance notice
- Interview individuals with disabilities, employees, and other persons relevant to the investigation

What records can NDALC access?

Although the scope of access authority depends on multiple factors, P&A agencies generally have broad access to a variety of facility records relating to individuals with disabilities; including but not limited to:

- Financial records
- Medical records
- Incident reports
- Internal agency records and policies
- Discharge plans
- Discipline records
- Investigations/audits

P&As can access records related to a specific client, or after receiving a general complaint or other evidence of abuse or neglect.

Facilities must provide records relating to individuals with developmental disabilities to the P&A within **three business days** of receiving a written request, or within **24 hours** when there has been a death or emergency.

The P&A access authority supersedes HIPAA, FERPA, and other privacy laws.

QUESTIONS

If you have questions, please speak to a Supervising Rights Attorney at one of our offices:

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**NEVADA DISABILITY
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